

Examiner rejected Claims 1, 2, 4, 5, 8-9, 12, 15, 19, 22, 23, 27 and 30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, particularly the expression "or its half-profile." in the apparatus claims. The expression in the apparatus claims having to do with the expression has been amended to be more precise.

The method claims have all been amended to include active steps. Therefore the Applicant respectfully requests a withdrawal of the rejection under 35 U.S.C. 112, paragraph 2.

35 U.S.C. § 102 Rejections

Examiner rejected Claims 9, 10, 12 and 30 under 35 U.S.C 102, second paragraph, as being anticipated by D'Eugenio (US 3,832,757).

Please refer the amended claim 9. Claim 9 has been rewritten in definite form and features hollow profiles and an application of a biasing force in the calibration zone which causes the grips to be adjacent. This biasing force which causes the grips to be adjacent is not present in the D'Eugenio clothes pin. Therefore the amended claim 9 is allowable over the prior art.

Claims 10, 12 and 30 depend on claim 9 and include further limitations. Therefore, each of claims 10, 12 and 30 distinguishes from the prior art and should be allowable. Accordingly, Applicant respectfully requests the PTO withdraw its rejection of claims under 35 U.S.C. 102.

35 U.S.C. § 103 Rejections

Examiner rejected claims 1, 8-10, 12 and 30 under 35 U.S.C. 103(a) as being

unpatentable over Visser in view of D'Eugenio.

Examiner rejected claims 2, 15, 19, and 27 under 35 U.S.C. 103(a) as being unpatentable over Visser and D'Eugenio in view of Stalder or Rose.

Claims 1, 8-10, 12 and 30 are now definite because of the amendment of claim 1 in response to the Examiner's requirement. It is clear that the Visser clamp does not use hollow extrusions to produce the members of the clamp, and manufacturing such a clamp by the method suggested by D'Eugenio would teach away from the Applicant's invention, in which the strength of the members is maintained even though the members are hollow. The restoring force for D'Eugenio (spring) would not be applicable to the Visser clamp which uses deformation of concentric bands of material and dissimilar to the Applicant's process of a single transition area 5 or ends of the clamp 9. Thus, it would not have been obvious to apply the D'Eugenio method to the Visser clamp, as there would not be the manufacturing advantages without the hollow body and the deformation restoring force 5 or 9 which keep the grips together during the manufacturing process.

In addition, grip jaws of the invention lie adjacent to each other in an inoperative state, with the pincer portions spaced apart, and there is not a restoring force in the D'Eugenio suggestion for such a configuration, and therefore would not applicable to the Visser clamp in order to render the Applicant's invention obvious. Secondly, there is nothing in Visser clamp that suggests that it would benefit from hollow plastic extrusions and even so, it would be very difficult to manufacture the deformation restoring force of the concentric rings 46 48 50 with the D'Eugenio method, making the whole point of the D'Eugenio patent irrelevant. As such, the Applicant's invention can not have been rendered obvious by the combination of the two cited art references.

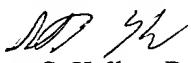
Claims 2, 15, 19 and 27 were also rejected along the same lines as the above discussed claims by Visser in view of D'Eugenio in view of Stadler. For the above stated reasons, we do not believe that the D'Eugenio patent applied to the Visser clamp is either obvious or would be possible considering the restoring force taught in the Visser clamp. The restoring force in the Visser clamp is created by concentric rings of material which deform with applied pressure. It is not obvious that a manufactured hollow body of extruded plastic would be able to perform this function or would be practical to make, like the Applicant's clamp.

Similarly, with regards to amended claim 4, we now think that claims 4, 5, 22, and 23 are not obvious, as D'Eugenio would not be applied properly to the Visser clamp as applied to the deformation restoring force cause by concentric rings, for the reasons stated above. Additionally, the unitary crosspiece feature would not be suggested or shown by the Jio reference which clearly shows two crosspieces. Such a unitary restoring piece would significantly affect the difficulty of the manufacturing process of the clamp and, as such, would not be obvious in light of the combination of art cited by the Examiner. Further, the Jio patent does not show hollow plastic components, but is clearly made of solid flexible plastic plates, and the D'Eugenio patent would not be applicable to manufacturing such clamps.

CONCLUSION

Accordingly, the Applicant submits that all pending claims are now in condition for Allowance, distinguished from the cited are and the Applicant requests a Notice of Allowance from the USPTO. Should the Examiner find that a telephone conference would help expedite the prosecution of this Application, they are invited to call the Applicant's counsel at the telephone number indicated below.

Respectfully Submitted,
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MARKED UP VERSION OF CLAIMS SHOWING CHANGES MADE

Please amend Claims 1, 4, 9 and 10 with the following additions and deletions:

1 (twice amended). A clamping device with two or more grip jaws, which merge into a pincer portion each and are joined together in the transition area by a crosspiece, [that] wherein both the clamping device [(3)] [or] and [its] a half-profile[s] of said clamping device [(3')] are [being] integrally formed from plastic and the pincer portions [(6,10,18)] take[ing] the form of hollow chamber profiles, characterized in that, in the inoperative state, the grip jaws [(4)] lie adjacent to each other in a biased condition generated by extrusion and that the pincer portions [(6, 10)] are spaced apart.

4 (twice amended). A clamping device as recited in claim 1 wherein a unitary spring device forces the pincer portions apart in addition to the biasing force.

9 (twice amended). A Process for manufacturing clamping devices, [characterized in that] comprised of:
extruding a length of plastic [is extruded] with hollow chamber profiles [(P)] to form a multiplicity of clamping devices [(3)],
after the extrusion applying a biasing force, [being] said force generated in a calibration zone which causes [the] a set grip jaws [(4, 15)] of the clamping devices [(3)] to lie adjacent to each other;[,] and [and that the] severing the clamping devices (3) [are severed] from the extruded length in desired widths.

10 (twice amended). The process as claimed in claim 9, [characterised in that]
wherein the biasing force is generated by spreading apart a set of [the] pincer portions
of the clamping device.